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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,139	06/21/2001	Friedrich Mueller	449122005700	9013

25227 7590 02/23/2004

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EXAMINER

HARPER, V PAUL

ART UNIT	PAPER NUMBER
2654	8

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/831,139

**Applicant(s)**

MUELLER, FRIEDRICH

**Examiner**

V. Paul Harper

**Art Unit**

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. All relevant objections are withdrawn as being satisfied.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Haavisto et al. (U.S. Patent 5,864,603), hereinafter referred to as Haavisto.

Regarding claims 1 and 6, Haavisto discloses an apparatus for controlling a telephone with voice commands. Haavisto's apparatus includes: **a speech recognition device to recognize acoustic objects, the acoustic objects being at least one of**

**individual letters, combinations of letters, control commands, and configured to recognize the acoustic objects (col. 6, lines 45-67); and a device for acoustic output or optical display of recognized acoustic objects (col. 4. lines 34-38, col. 9, lines 1-5, Fig. 6 item 111 display); and wherein the speech recognition device is switched, with the aid of the control commands, into specific operating states for the recognition of the individual letters, combinations of letters and/or control commands. (col. 3, lines 45-56, Figs. 1 and 3, col. 5).**

Regarding claims 2 and 7, Haavisto teaches everything claimed, as applied above (see claims 1 and 6, respectively). In addition Haavisto teaches **the speech recognition device is configured such that the recognition of one of the control commands causes the output or display of an acoustic object to trigger the output or display of a further acoustic object (Figs. 1 to 3 and 5, col. 5, lines 9-65, in particular lines 29-30 where a state transition is based on the user dialog).**

Regarding claims 3 and 8, Haavisto teaches everything claimed, as applied above (see claims 1 and 6, respectively). In addition Haavisto teaches **a data memory which is configured such that the recognition of one of the acoustic objects or a sequence of objects which corresponds to an entry in a data memory triggers the display or output of the entry or a function of the system associated with the entry (col. 8, lines 12-25 and lines 45-67).**

Regarding claims 4 and 9, Haavisto teaches everything claimed, as applied above (see claims 3 and 6, respectively). In addition Haavisto teaches **a recognition**

**capacity is improved by a comparison of possible objects or object sequences with existing entries in the data memory (col. 4, lines 4-33).**

### ***Response to Arguments***

4. Applicant's arguments filed 1/22/04 have been fully considered but they are not persuasive.

5. Applicant asserts on page 5:

Specifically, in Haavisto, the control command enables a telephone connection set-up to be established as a result of comparing the character sequence provided by the user with a character sequence stored in memory. In the claimed invention, *on the other hand, the control command enables the system to go into a specific operating state such that individual letters, combinations of letters or control commands can be recognized.* Pages 6 and 7 of the original English translation illustrate such an example. (Italics added)

Haavisto et al. describes a voice-controlled telephone where dialing can be performed without the use of hands (abstract), and as can be seen in Fig. 2 the interface can be put into voice recognition and digit dialing modes (states) (in particular, the phone can be put into a speech recognition mode, col. 5, lines 41-57) where a character sequence can be recognized (col. 3, lines 45-55).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to:

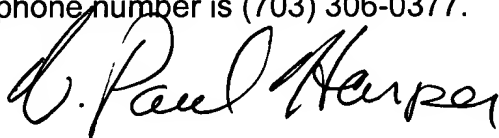
Crystal Park II  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. V. Paul Harper whose telephone number is (703) 305-4197. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645. The fax phone number for the Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service office whose telephone number is (703) 306-0377.



VPH/vph  
February 17, 2004



**RICHEMOND DORVIL**  
SUPERVISORY PATENT EXAMINER